

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above Amendment and the discussion below.

Claims 1-12 and 15-20 have been objected to with regard to the relationship between the preamble and the body. In accordance with the statement of the Examiner at Section 2 of the Office action, applicants' have amended each of the Independent claims to recite the engaging relationship between the closing lid and the filler neck when the lid is applied to the filler neck. No new issues are raised by this amendment as the change is made in accordance with the desire of the Examiner.

Claims 1-12 and 15-20 have been rejected under 35 USC 112 for failing to point out and distinctly claim the subject matter with the Examiner indicating that the structure and relationship between the part of the closing lid are not clear for the reasons indicated at page 3.

Applicants' traverse this rejection as the claims are clearly set forth so as to satisfy 35 USC 112 for the following reasons which respond to the questions raised by the Examiner.

The present invention provides a fastening section 11 which extends from the bottom 5 of the closing cap 4 and extends into the centering element 12. A holding ring 20 is positioned on the fastening section 12 whereby the centering

element is arranged between the bottom 5 of the closing cap 4 and the holding ring 20. The holding rig is held by fastening lugs 22 on the fastening sections 11.

With respect to the sealing device 20, its exact structure is not critical as the invention concerns the centering device 12 and its attachment as well as the drip nose 24 which extends from the bottom and constructed on the centering device 12. In addition the drip nose 24 is oriented downward and therefore into the filler neck 1b which is the only possible means for oil to drip off. When the interior circumferential surface of the centering device 12 rests on the fastening section 11 and the exterior circumferential surface rests against the interior side of the filler neck, the drip nose can only be situated somewhere in-between. Therefore the relationship and orientation of the drip nose as claimed, is clearly defined.

It is to be noted that the closing cap 4 is claimed as cup-shaped and by definition establishes the structural relationship between the bottom and the wall.

Concerning the question raised about the ring collar, it is to be noted that the ring collar 17a acts as a drip nose as indicated at Paragraph [0017] lines 2-3.

With respect to the terms interior circumferential surface and exterior circumferential surface, it is submitted that they relate to the centering element 12 and not the U-shaped construction. Furthermore, these surfaces are clearly assigned to other elements. That is, the interior circumferential surface rests on

the fastening section 11, and the exterior circumferential surface rest against the interior side of the filler neck 1B. Therefore the profile legs of the U-shaped centering device 12 have these interior and exterior circumferential surfaces.

Applicants' therefore respectfully submit that the claims and specification meet the requirement of 35 USC 112.

With respect to the Examiner's indication that the IDS filed March 25, 2005 fails to comply with 37 CFR 1.98(a)(1) because there was no listing of the references, Applicants are re-submitting form 1449 as well as a copy of the reference and abstract which was previously submitted on March 25, 2005. There also submitted copy of the post card having the Post Office stamp of reception indicates the receipt of the items listed thereon. Accordingly applicants' request consideration of the IDS previously filed on March 25, 2005.

Therefore in view of the changes to the claims in accordance with the Examiner's requirement and the sufficiency of the claims to met the requirements of 35 USC 112, Applicants' request the allowance of this application containing claims 12-12 and 15-20.

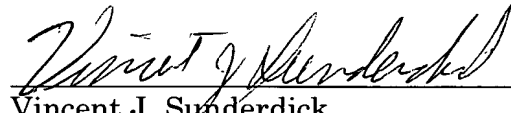
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/619,621
Amendment Dated:
Reply to Office Action

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52417US).

September 15, 2005

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Vincent J. Sunderdick", is written over a horizontal line.

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